IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7406 OF 2005
IN
CRIMINAL APPEAL NO.1047 OF 2005

Shafiqul Islam Gafoor Dhali ...Applicant

Vs.

The State of Maharashtra ...Respondent

Ms Saeeda Shaikh for the Applicant.

Shri S.R.Shinde, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 28, 2006.

P.C.:

1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. The Applicant has been convicted for offence under section 392 read with section 397 of the Indian Penal Code. The substantive sentence awarded is of seven years rigorous imprisonment.

2. It is not in dispute that the Applicant was arrested on 18th July, 2002. The substantive sentence, as stated earlier, is of seven years. The Applicant was not enlarged on bail during the pendency of the trial and he is in custody right from 18th July, 2002. Thus, the Applicant has already completed four years and two months in custody. So far as antecedents are

concerned, it is brought to my notice that there were four cases against the Applicant. Three cases have resulted into acquittal. In the fourth case he has been convicted.

3. So far as this case is concerned, he has already undergone more than 50% of the substantive sentence. Considering the pendency of the Appeals in this Court, this Appeal is not likely to be heard before the remaining period of substantive sentence is over. In the circumstances, in view of the decision of the Apex Court in the case of Bhagwan Rama Vs. State of Gujrat [(1999)4 Supreme Court Cases Page 421) the Applicant is entitled to be enlarged on bail. Considering the facts and circumstances of the case, stringent conditions will have to be imposed.

4. Hence, Application is disposed of by passing following order:

(i) The Applicant shall be enlarged on bail in the sum of Rs.25,000/- with one or two local sureties in the like amount.

(ii) Bail is granted subject to condition that the

Applicant will not enter Mumbai or Greater Mumbai without permission of this Court.

(iii) The order granting bail will be given effect only after the Applicant furnishes complete address of the place where he proposes to reside after being enlarged on bail to the Senior Inspector of Police attached to Vikroli Police Station.

(iv) The Applicant will mark attendance at concerned local police station on every first and third Sunday of every calendar month till disposal of the Appeal.

JUDGE